

PROCEEDINGS OF THE COMMON COUNCIL  
IN SPECIAL SESSION  
TUESDAY, MAY 31 19 83

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING May 31 A.D., 19 83 ,  
IN SPECIAL SESSION. PRESIDENT Ben A. Eisbart  
John H. Logan, Council Attorney  
IN THE CHAIR, AND Sandra E. Kennedy CLERK, AT THE DESK,  
PRESENT THE FOLLOWING MEMBERS VIZ:  
BRADBURY Present, BURNS Present, EISBART Present,  
GIAQUINTA Present, SCHMIDT Present, SCHOMBURG Present  
SCRUGGS Present, STIER Present, TALARICO Present,  
ABSENT \_\_\_\_\_  
COUNCILMAN \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

THE INVOCATION WAS GIVEN BY \_\_\_\_\_

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF  
\_\_\_\_\_, 19 \_\_\_\_ . MOTION MADE AND CARRIED THAT REPORT BE MADE  
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR \_\_\_\_\_, 19 \_\_\_\_,  
\_\_\_\_\_, 19 \_\_\_\_,  
SPECIAL \_\_\_\_\_, 19 \_\_\_\_,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED  
AND PUBLISHED.





# The City of Fort Wayne

## Office of the Mayor

May 27, 1983

Mrs. Sandra E. Kennedy  
City Clerk  
Room 122, City-County Building  
Fort Wayne, Indiana 46802

Dear Mrs. Kennedy:

Pursuant to I.C. 36-4-6-7(b) and Section 2-16 of the Municipal Code of the City of Fort Wayne, Indiana, I hereby respectfully call a special meeting of the Common Council of the City of Fort Wayne, Indiana to be held Tuesday, May 31, 1983, commencing at seven p.m. o'clock in the Council's Chambers, City-County Building, Fort Wayne, Indiana. It is my understanding that Council did intend to have a special meeting on May 31 pursuant to a call, consent, and waiver as circulated by the Council members. Such a call, consent, and waiver, requires signature of all Council members and I have been informed that Council member Schmidt failed to sign the document. Therefore, this request herein made by me is only being done to ensure that the meeting may be held as originally intended.

The purposes for which this meeting is called are:

1. Discussion with respect to the City's involvement in the Cast Metals, Inc. business location in this community;
2. Introduction, discussion, and hopeful passage of a Resolution authorizing the City to submit an application to the United States Department of Commerce, Economic Development Administration, for seventy percent (70%) grant that would finance a water tank and pumping station servicing Cook Road Industrial Park;
3. Introduction of an Ordinance amending Special Ordinance No. S-47-83 entitled "Amended Ordinance authorizing the City of Fort Wayne, Indiana, to issue its City of Fort Wayne Floating Rate Monthly



Mrs. Sandra E. Kennedy  
Page Two  
May 27, 1983

Demand Revenue Bonds (the Fort Wayne Civic Center Project) 1983 Series and approving other actions in respect thereto."

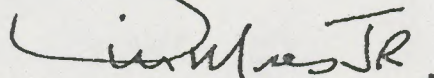
4. Consideration of all other Council business as presently pending before Council as indicated on Council's Agenda for Council's meeting of May 24, 1983, and as identified on the Clerk's Inventory of Pending Legislation of the Fort Wayne Common Council dated May 26, 1983, a copy of which is attached hereto, as a part hereof, as Exhibit A. In that regard, the inclusion herein of the Clerk's Inventory of Pending Legislation is a special statement of business that may be conducted for Council pursuant to Section 2-16(b) of the Municipal Code of the City of Fort Wayne, Indiana.

In addition, I do respectfully request that any applicable rules of Council be suspended, if necessary, to accomplish taking of any action at the meeting herein called.

Please cause this "call" to be served upon all Council members pursuant to Section 2-16(a) of the Municipal Code of the City of Fort Wayne, Indiana. Also, please cause notice of this special meeting to be given pursuant to I.C. 5-14-1.5-1 et seq. (Indiana Open Door Law).

Thank you for your assistance.

Sincerely,



Winfield C. Moses, Jr.  
Mayor  
City of Fort Wayne, Indiana

WCM, jr:dkg



CLERK'S INVENTORY OF PENDING LEGISLATION  
OF THE FORT WAYNE COMMON COUNCIL

May 26, 1983

ORDINANCES AT PLAN COMMISSION AND BEING HELD IN  
COMMITTEE PENDING PLAN COMMISSION RECOMMENDATION

BILL NO.

IDENTIFICATION

- 
- X-75-12-01 ✓ AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. \_\_\_\_\_, and repealing certain annexation ordinance
- 
- X-77-07-46 ✓ AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2
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- G-79-06-27 ✓ AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of certain alley
- 
- X-79-02-17 ✓ AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 2 and repealing Annexation Ordinance No. X-04-65, effective December 31, 1979
- 
- G-79-06-32 ✓ AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley
- 
- X-79-05-08 ✓ AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-13
- 
- G-79-07-30 ✓ AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley east of Beacon Street
- 
- X-79-10-29 ✓ AN ORDINANCE annexing certain territory, commonly known as Crown Colony, Fort Wayne, and including the same in Councilmanic District No. 6
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BILL NO.IDENTIFICATION

- 
- R-79-10-30 ✓ A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Crown Colony
- 
- X-79-11-29 ✓ AN ORDINANCE annexing certain territory commonly known as Bullerman Park Forest, to Fort Wayne, and including the same in Councilmanic District No. 2
- 
- R-79-11-30 ✓ A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Bullerman Park Forest
- 
- R-79-12-19 ✓ A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Tamarack
- 
- X-79-12-20 ✓ AN ORDINANCE annexing certain territory, commonly known as Tamarack, to Fort Wayne, and including the same in Councilmanic District No. 2
- 
- X-80-01-20 ✓ AN ORDINANCE annexing certain territory, commonly known as Breaconshire to Fort Wayne, and including the same in Councilmanic District No. 4
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- R-81-01-21 ✓ A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Beaconsire
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- R-80-07-07 ✓ A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- R-80-10-12 ✓ A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- Z-80-10-20 ✓ AN ORDINANCE amending the City of Fort Wayne Zoning Map No. FF-1 (APPLE GLEN)
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- Z-81-01-22 ✓ AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-2,3
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- R-81-11-37 ✓ A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- Z-81-12-11 ✓ AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-18
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- G-82-06-03 ✓ AN ORDINANCE amending Chapter 13 of the Municipal Code of the City (as amended) of Fort Wayne, Indiana
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- Z-82-09-08 ✓ AN ORDINANCE amending the City of Fort Wayne Zoning No. H-3
- 
- G-82-09-09 ✓ AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of McAfee Street
- 
- R-82-10-20 ✓ A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- G-82-11-12 ✓ AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof
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- Z-83-02-13 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-22 & F-22
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- R-83-02-30 A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- Z-83-03-10 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-3
- 
- R-83-04-14 A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- R-83-05-20 A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
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- R-83-05-19 A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1
- 
- Bill No. Z-83-04-12 --- To City Plan for consideration



ORDINANCES BEING HELD IN STANDING COMMITTEE  
IN COMMON COUNCIL PENDING COMMITTEE SESSION

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FINANCE COMMITTEE - GiaQUINTA, STIER, BRADBURY,  
SCHMIDT, TALARICO

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- S-83-05-15      AN ORDINANCE approving City Utilities Purchase Order #A-32103 by the City of Fort Wayne by and through its Department of Purchasing and MacDonald Machinery Company, Inc. for the Water Maintenance & Service Department  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
- 
- S-83-05-16      AN ORDINANCE approving Civil City Purchase Order #A-26255 by the City of Fort Wayne by and through its Department of Purchasing with Indiana Fire Prevention Company for the Fire Department  
(ORDINANCE INTRODUCED - REFERRED TO COMMITTEE FOR STUDY)
- 
- S-83-05-18      AN ORDINANCE approving City Utilities Purchase Order #A-32160 by the City of Fort Wayne by and through its Department of Purchasing and Woodward's Tire Sales & Services, Inc., for the City Utilities Garage  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
- 
- A-83-05-21      AN ORDINANCE appropriating funds from the Park General Fund to certain accounts within the 1983 budget of the Park Department  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY -  
LEGAL PUBLIC HEARING 6-14)
- 
- S-83-05-31      AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,000,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT FIRST MORTGAGE COLLATERALIZED REVENUE BONDS, (AWB REALTY CORP. PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO AWB REALTY CORP. TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY: PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS: AUTHORIZING A LOAN AGREEMENT: TRUST INDENTURE: BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS  
(ORDINANCE INTRODUCED 5-24- REFERRED TO COMMITTEE FOR STUDY)
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FINANCE COMMITTEE -- GiaQUINTA

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- R-83-05-34      A RESOLUTION authorizing the submission of a final statement of community development objectives, projected use of funds, and required for the City of Fort Wayne to receive its Emergency Jobs Bill Community Development Block Grant Entitlement  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- R-83-05-35      A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$7,500,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, HEALTH QUEST REALTY X, HEALTH QUEST CORPORATION AND/OR REGENCY PLACE CORPORATION TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- S-83-05-36      SPECIAL ORDINANCE approving City Utilities Purchase Order #A-32124 by the City of Fort Wayne by and through its Department of Purchasing and Eaglebrook Environmental c/o By-Products Management, Inc., for the Water Pollution Control Plant  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- G-83-04-32  
(AS AMENDED)      AN ORDINANCE making additions to rules of the Common Council of the City of Fort Wayne, Indiana, pertaining to absent, ill or incapacitated members thereof  
(HELD IN COMMITTEE FOR STUDY)
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- S-83-05-05      AN ORDINANCE amending the 1983 Salary Ordinance for the Civil City and City Utilities of the City of Fort Wayne, Indiana  
(HELD IN COMMITTEE FOR STUDY)
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- S-83-04-20      AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,420,000 ECONOMIC DEVELOPMENT REVENUE BOND OF THE CITY OF FORT WAYNE, INDIANA IN ORDER TO ASSIST HEALTH CARE FUND IN THE FINANCING OF COSTS OF AN ECONOMIC DEVELOPMENT FACILITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LOAN AGREEMENT WITH RESPECT TO THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT WITH THE ORIGINAL PURCHASER; AND AUTHORIZING THE ASSIGNMENT BY THE CITY OF NOTE AND LOAN AGREEMENT  
(HELD IN COMMITTEE FOR STUDY)
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FINANCE COMMITTEE - GiaQUINTA

R-83-04-22 A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE \$1,000,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT SHIVE NURSING CENTERS, INC., TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT  
(HELD IN COMMITTEE FOR STUDY)

G-82-10-31 ✓ AN ORDINANCE amending Article VI, Junk and Secondhand Dealers, of the Municipal Code of the City of Fort Wayne, Indiana of 1974  
(HELD IN COMMITTEE FOR STUDY)

R-81-05-07 ✓ A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, (STANDARD BUILDING PARTNERSHIP PROJECT) TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT  
(HELD IN COMMITTEE FOR STUDY)

REGULATIONS COMMITTEE - STIER, BRADBURY, SCRUGGS,  
GiaQUINTA, SCHOMBURG

G-82-08- 16 AN ORDINANCE pertaining to Impaired Mobility Parking, providing for issuance of permits for Impaired Mobility Persons and providing penalties for the violations of this Ordinance  
(HELD IN COMMITTEE FOR STUDY)

G-82-06-26 7, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a plat thereof  
(HELD IN COMMITTEE FOR STUDY)

G-81-07-38 ✓  
(AS AMENDED) AN ORDINANCE providing for the creation of Merit Commission; providing for the creation of Merit System governing the provisions and promotions of members of the Fire Department; exempting certain positions from the provisions of the Merit System; providing for appointment to and dismissal from such exempt positions; and providing a system of discipline for members of the Fire Department  
(HELD IN COMMITTEE FOR STUDY)



REGULATIONS COMMITTEE - STIER


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S-81-11-70 ✓  
(AS AMENDED) AN ORDINANCE AMENDING CHAPTER 28 of the Municipal Code entitled  
taxicabs  
(HELD IN COMMITTEE FOR STUDY)

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Z-81-01-12  
(AS AMENDED) AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-6-27  
F-2 (APPLE GLEN)  
(HELD IN COMMITTEE 3/9/82 - MOTION MADE THAT THE ORDINANCE BE PLACED  
ON THE TABLE)

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PUBLIC WORKS COMMITTEE - TALARICO, SCRUGGS, GiaQUINTA,  
BURNS, SCHOMBURG

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S-83-05-22 AN ORDINANCE approving a contract by the City of Fort Wayne by and  
through its Board of Public Works and Yoder & Yoder Concrete  
Contractors, for Resolution No. 5966-83, HANNA-CREIGHTON VII,  
Curb and Sidewalk Improvement  
(ORDINANCE INTRODUCED 5/24/83 - REFERRED TO COMMITTEE FOR STUDY)

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S-83-05-23 AN ORDINANCE approving a contract by the City of Fort Wayne by and  
through its Board of Public Works and Brooks Construction Co., Inc.  
for Improvement Resolution 5968-83  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)

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CITY UTILITIES COMMITTEE - SCRUGGS, TALARICO, SCHMIDT,  
GiaQUINTA, BURNS

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S-83-05-24 AN ORDINANCE approving a contract by the City of Fort Wayne by and  
through its Board of Public Works and Land Excavating, Inc., for  
Resolution No. 387-83, Michigan Avenue Storm Sewer, Phase I  
(ORDINANCE INTRODUCED 5-24 REFERRED TO COMMITTEE FOR STUDY)

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S-83-05-25 AN ORDINANCE approving a contract by the City of Fort Wayne by and  
through its Board of Public Works and N.G. Gilbert Company, for  
Res. No. 169-83 Hamilton Park N.S.A. St. Lighting  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)

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CITY UTILITIES COMMITTEE - SCRUGGS

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- S-83-05-26 AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and T & F Const. Co. of Indiana, for Street Lighting Res. 170-83, Hoagland-Masterson, N.S.A.  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- S-83-05-27 AN ORDINANCE approving Change Order No. 29, WPC Plant Div. 1, C180538 01, with Hagerman-Shambaugh, Joint Bidders in connection with the Board of Public Works  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- S-83-05-28 AN ORDINANCE approving Change Order No. 1 and FINAL, Res. 326-80, Project No. C-180599-07, Rehabilitation of Sewers SSES Subsystem AS, with Bercot, Inc., in connection with the Board of Public Works  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- S-83-05-29 AN ORDINANCE approving Change Order No. 1 and FINAL, Res. 321-80, Project No. C-180599-06, ReHab - Sub Systems BS, CS, NS, OS, with T- & Excavating, Inc., in connection with the Board of Public Works  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
- 
- S-83-05-30 AN ORDINANCE approving Change Order No. 1 and FINAL, Res. 340-80, Project #C-180599-08, Rehabilitation of Sewer, SSES Sybsystem LS, MS, PS, QS, RS, SS, TS, with Bercot, Inc., in connection with the Board of Public Works  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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- G-77-04-33 ✓ AN ORDINANCE regarding residence requirement of Officers and Employees of the City of Fort Wayne, Indiana, except those exempted by State Law  
(HELD IN COMMITTEE FOR STUDY)
- 
- G-76-10-29 ✓ AN ORDINANCE regarding residence requirement of officers and employees of the City of Fort Wayne, Indiana except those exempted by State Law  
(HELD IN COMMITTEE FOR STUDY)
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COMMITTEE OF THE WHOLEJAMES STIER - ROY SCHOMBURG AND  
ALL COUNCILMEMEBERS

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- G-83-05-33 AN ORDINANCE further defining the Home Rule powers of the City of Fort Wayne, Indiana  
(ORDINANCE INTRODUCED 5-24 - REFERRED TO COMMITTEE FOR STUDY)
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Prepared by the Office of the  
City Clerk  
Sandra E. Kennedy



CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL  
MEETING OF THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA, TO BE HELD

We, the undersigned, being all of the members of the Common Council  
of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council  
to be held on June 7<sup>th</sup> at 7:00 o'clock PM,  
E.S.T. and jointly and severally waive notice of the time, place and purpose of  
said meeting and consent that same be held on the aforesaid date for the purpose  
of placing Bill No. R-83-05-34 - Resolution Authorizing Submission of Community  
Development Objectives to HUD before Common Council to consider and vote on the  
Resolution R-83-05-34

Ray A. Linder

W. S. Schum

Samuel J. Talarico

Paul E. Galt

Victor Scruggs

James M.

Janet H. Bradbury

Ry J. Adams

Paul M. Burns

DATED THIS 31<sup>st</sup> day of May, 1983

Sandra E. Kennedy  
CITY CLERK



THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Special Session, held on Tuesday the 31st day of May, 19 83 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 2nd day of June, 19 83.

Sandra E. Kennedy

City Clerk